

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOAN T. KLOTH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action 06-CV-244 (SLR)
	)	
SOUTHERN CHRISTIAN UNIVERSITY,	)	
BOARD OF DIRECTORS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**RESPONSE OF DEFENDANTS TO PLAINTIFF'S  
MOTION TO AMEND COMPLAINT**

Defendant Southern Christian University, and its Board of Directors, (collectively, "Southern Christian") submit this response to the Motion to Amend Complaint filed by Plaintiff Joan T. Kloth.

Plaintiff filed her Motion to Amend Complaint (the "Motion") on October 20, 2006. (D.I. 11)<sup>1</sup> While Plaintiff did not include a copy or draft of her proposed amended complaint, she by way of the Motion, is seeking to incorporate other and additional relief into Plaintiff's original complaint (D.I. 2, the "Complaint"). Accordingly, Plaintiff is seeking to substantively amend the Complaint. As an initial matter, Southern Christian does not object to the filing of Plaintiff's Motion.<sup>2</sup>

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<sup>1</sup> Plaintiff has cited to Federal Rule 59(c) as the basis for filing the Motion. However, as Rule 59 does not apply here, Southern Christian is assuming that Plaintiff intended to cite to Federal Rule 15 and/or Local Rule 15.1. Defendants note, however, that Plaintiff has failed to comply with the requirements set out in L.R. 15.1. In addition, assuming that the Court is amenable to granting the Motion, the form of order that Plaintiff filed with the Court will need to be revised as it is captioned as "Motion to Amend Complaint, Order" but mistakenly states in the body of the proposed order that "...Plaintiff's *motion for summary judgment* is hereby granted." (Emphasis added).

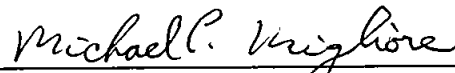
<sup>2</sup> Aside from the issue of personal jurisdiction which Defendants have addressed in their Motion to Dismiss for Lack of Personal Jurisdiction, Defendants reserve all rights to respond to the merits of Plaintiff's Complaint and the Motion (or Amended Complaint) at such time that it becomes due for Defendants to respond to same.

Nonetheless, upon review of the Motion to Amend, and interpreting what the amended complaint would include, Southern Christian contends that for the reasons set forth more fully in Southern Christian's Motion to Dismiss for Lack of Personal Jurisdiction and memorandum in support thereof (D.I. 12 and 13), neither the Complaint nor the Motion alter the fact that there is no basis for this Court to exercise personal jurisdiction over the Defendants.

**WHEREFORE**, while Southern Christian does not object to the filing of the Motion to Amend by plaintiff, Southern Christian respectfully requests that this Court consider on the merits its pending Motion to Dismiss for Lack of Personal Jurisdiction, and dismiss this matter for lack of personal jurisdiction, and find this Motion to Amend to be moot.

STRADLEY RONON STEVENS & YOUNG, LLP

October 25, 2006

  
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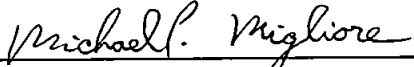
Attorneys for Defendants,  
Southern Christian University,  
and its Board of Directors

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing *Response of Defendants to Plaintiff's Motion to Amend Complaint* was caused to be served on October 25, 2006, upon the below noted party at the record address noted for such party by first-class mail, postage pre-paid:

Joan T. Kloth  
37 Winter Haven Drive  
Apt 1  
Newark, DE 19702

Joan T. Kloth  
320 North Georges Hill Road  
Southbury, CT 06488-2626

  
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Michael P. Migliore (DE Bar #4331)